IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2712 OF 1994

Ms.Sunanda B. Bhorkar .. Petitioner

Versus

Chairman, District Rural

Development Agency Pune & Ors. .. Respondents.

Mr.V.N.Tayade for petitioner

Mr.P.M.Patil, A.G.P. respondent No.3

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

DATE : 25TH OCTOBER 2004.

P.C.

1. Heard Advocates.

2. Petitioner is working as Junior Assistant in District Rural Development Agency, Z.P. Pune. Respondent No.1 is Chief Executive Officer of

Z.P. who is also ex officio Chairman of the District Rural Development Agency. Respondent No.2 is the Project Director of the District Rural Development Agency. Respondent No.3 is State of Maharashtra. By this petition, petitioner is seeking an appropriate writ, order or direction directing the respondents to treat petitioner's service since 20th September 1982 as Investigator in the payscale of Rs.350 - 680 and to grant her revised payscale and pay differential amount of payscale.

3. Briefly the facts are that by an order dated 20th September 1982, petitioner came to be appointed as an Investigator on pay scale ofRs.350-680. By an order dated 19th January 1983 she was given extension in the same post on the same payscale. Thereafter by an order dated 19th September 1983 her services came to be terminated as no longer required. Petitioner claims that she was assured that she would be reinstated on the same payscale within a short time. Therefore, she made an application for appointing as Investigator on 19th September 1983. This application was accepted and by an

order dated 30th September 1983, petitioner came to be appointed as Junior Assistant in the payscale of. By an order dated 2nd February 1985, petitioner was promoted as Investigator in the original payscale. This order was however, cancelled on 14th June 1995 and since then, petitioner is working as Junior Assistant on lower payscale of Rs.260-595.

4. The main grievance of petitioner is that one Shri Karandikar and Shri Pingale who were appointed by about the same time and whose services were terminated like petitioner, were accommodated by condoning break in service. In the case of Shri Karandikar, there was a break of 89 days in service, which was condoned. Similarly, though Shri Pangale was not qualified for the post of Investigator and his services were terminated by an order dated 8th October 1984, he came to be promoted. Petitioner claims that she has been discriminated against by respondent No.1 although in identical situation relief of continuity of service was granted in other two cases.

5. It is not disputed before us that the case of petitioner was similar to Shri Karandikar and Shri Pingale and they were given benefit of promotion whereas the petitioner was left high and dry and she has not been promoted to the original post. We are informed that for the petitioner the next promotional post is Office Superintendent and there are vacancies in the said post. We feel that ends of justice would be served if the petitioner is accommodated in one of those vacant posts and given deemed date of promotion on which date Shri Pingale was promoted. We accordingly direct the respondents to promote the petitioner to the post of Office Superintendent within three months and give her deemed date of promotion on which date Shri Pingale got the promotion. However, we make it clear that petitioner will not be entitled to any backwages or past benefits.

6. Petition is accordingly disposed of. In view of disposal of this petition, C.A. does not survive and the same is disposed of accordingly.

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